

### **REMARKS**

This amendment is responsive to the Office Action of April 1, 2010. Reexamination and reconsideration of the application are respectfully requested.

#### **The Office Action**

**Claims 1–42 and 44–46** were noted as defining over the art of record.

**Claims 1–41 and 44–46** stand rejected under 35 USC §101 as being directed to non-statutory subject matter.

**Claims 1–42 and 44–46** stand rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement.

#### **35 USC §101**

**Claim 1** has been amended to recite the classifying step is performed in a processing device. Therefore, the claims now meet the statutory requirements of 35 USC §101.

#### **35 USC §112**

Paragraph 17 of the application states "[t]he weight given to elevation in obtaining the global score is greater than the weight given to erythema or scale."

With reference to FIGURE 1, if the percentage of body surface involved is 4%–9% in Step 1, the severity of psoriasis is classified in Step 3 as Mild for a "mild" category of elevation, a "moderate" category of erythema, or a "moderate" category of scale. A "mild" category is less severe than a "moderate" category (see paragraph 19 of the application). Therefore, only a "mild" category of elevation will result in a Mild

classification of psoriasis severity, whereas a more severe (e.g., "moderate") category of erythema or scale is required to result in a Mild classification of psoriasis severity.

In another example with reference to FIGURE 1, if the percentage of body surface involved is 10%–20% in Step 1, only a "mild" category of elevation will result in a Moderate classification of psoriasis severity. In contrast, a "mild" category of erythema or a "mild/moderate" category of scale will result in only a Mild classification of psoriasis severity; and a "moderate" category of erythema will result in a Mild to Moderate classification of psoriasis severity. In addition, a "marked" category of scale will result in a Moderate to Severe classification of psoriasis severity, whereas only a "moderate" category of elevation will result in the same classification.

From the examples discussed above, it is clear that the weight given to elevation in obtaining the global score for psoriasis severity is greater than the weight given to erythema or scale. Therefore, it is submitted that the claims meet the statutory requirements of 35 USC §112.

#### **Minor Amendments**

Minor amendments, which do not affect the patentability of the claims, were made to **claims 1, 8, and 12**. For example, a colon was added in **claim 1** at line 2. A comma was substituted for a colon at line 3 of **claim 8**. A period was added at the end of **claim 12**.

#### **CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

It is believed that there is no fee associated with the filing and consideration of this amendment. Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such fees, and/or credit any overpayments, incurred as a result of entering this amendment to Deposit Account No. 03-0172, Order No. 29131.04003.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP

/Brian E. Kondas/

Brian E. Kondas

Reg. No. 40,685

Customer No. 24024

(216) 622-8308